

MITIGATED NEGATIVE DECLARATION

The Director of Planning, Building and Code Enforcement has reviewed the proposed project described below to determine whether it could have a significant effect on the environment as a result of project completion. "Significant effect on the environment" means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance.

NAME OF PROJECT: Columbine Station Improvement Project

PROJECT FILE NUMBER: CP17-023

PROJECT DESCRIPTION: Conditional Use Permit to remove an existing 19.6-million gallon reservoir for portable water storage and allow the installation of two 5-million gallon pre-stressed concrete tanks; additional site improvements including piping for potable and non-potable water, a storm water treatment planter, a bladder tank, a soil retaining structure, access roads, and solar panels; and removal of 61 ordinance-sized trees and 22 non-ordinance sized trees on an approximate 6.53-gross acre site.

PROJECT LOCATION: The project area is located on Columbine Drive between Clayton Road and Flint Creek Road in the City of San Jose, Santa Clara County.

ASSESSORS PARCEL NO.: 654-21-002

COUNCIL DISTRICT: 8

APPLICANT CONTACT INFORMATION: Craig Giordano, San Jose Water Company, 1265 South Bascom Avenue, San Jose, CA 95128

FINDING

The Director of Planning, Building and Code Enforcement finds the project described above will not have a significant effect on the environment in that the attached initial study identifies one or more potentially significant effects on the environment for which the project applicant, before public release of this draft Mitigated Negative Declaration, has made or agrees to make project revisions that clearly mitigate the effects to a less than significant level.

MITIGATION MEASURES INCLUDED IN THE PROJECT TO REDUCE POTENTIALLY SIGNIFICANT EFFECTS TO A LESS THAN SIGNIFICANT LEVEL

- A. **AESTHETICS** – The project will not have a significant impact on aesthetics resources, therefore no mitigation is required.
- B. **AGRICULTURE AND FOREST RESOURCES** – The project will not have a significant impact on agriculture or forest resources, therefore no mitigation is required.
- C. **AIR QUALITY/GREENHOUSE GAS** – The project will not have a significant impact on air quality and greenhouse gases, therefore no mitigation is required.

D. BIOLOGICAL RESOURCES.

Impact BIO-1: Construction of the project could result in impacts to nesting migratory birds.

Mitigation Measure BIO-1.1 through BIO-1.3: *Nesting Bird Survey and Protection of Active Nests*

Mitigation Measure BIO-1.1: The project applicant shall schedule, construction activities between September 1st and January 31st (inclusive) to avoid the nesting season. If this is not possible, pre-construction surveys for nesting raptors and other migratory breeding birds shall be conducted by a qualified biologist to identify active nests that may be disturbed during project implementation onsite and within 250 feet of the site. Between February 1st and April 30th (inclusive), pre-construction surveys shall be conducted no more than 14 days prior to the initiation of construction activities or tree relocation or removal. Between May 1st and August 31st (inclusive), pre-construction surveys shall be conducted no more than 30 days prior to the initiation of these activities. The surveying biologist shall inspect all trees in and immediately adjacent to the construction area for nests.

Mitigation Measure BIO-1.2: If active nests are found during the pre-construction survey, the qualified biologist shall identify protection measures such as establishment of a construction-free buffer zone (typically 250 feet) around the nest tree, in consultation with CDFW. No construction activity shall be conducted within the buffer zone during the nesting season or until such time that the qualified biologist determines that the nest is no longer active or nesting activity would not be disrupted. Where practicable, the buffer zone shall be marked with flagging, stakes, or other means to mark the boundary. All construction personnel shall be notified of the existence of the buffer zone and will avoid entering the buffer zone during the nesting season.

Mitigation Measure BIO 1.3: The project applicant shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the Supervising Environmental Planner of the Department of Planning, Building, and Code Enforcement (PBCE) prior to the issuance of any grading or building permits.

Impact BIO-2: Construction of the project could result in impacts to trees that are retained in the project area.

Mitigation Measure BIO-2: *Implementation of Tree Protection Plan*

The project applicant shall retain an International Society of Arborists Certified Arborist, a California Registered Professional Forester, or equivalent to ensure that the construction contractor complies with the protection measures for trees during installation of the pipeline. A Tree Protection Plan shall be prepared and submitted for review and approval by the Supervising Environmental Planner of PBCE prior to the start of any construction activity or issuance of any grading permits. The Tree Protection Plan shall outline specific measures to protect trees during construction or other site disturbance. Measures to be included in the Tree Protection Plan are as follows:

- The arborist/forester shall identify root protection zones for trees that will be retained during construction activities. Construction personnel shall install orange construction exclusion fencing around the driplines of trees in coordination with the arborist/forester. The arborist/forester shall monitor construction activities that occur within the driplines of trees in the project area.

- In areas where the roots of the tree will be cut, severed, or excavated to accommodate the pipeline, the arborist/forester shall ensure that the roots are protected from drying out by making a clean cut of the root and applying a wound dressing, wet burlap sacks, or plastic bag secured with tape to roots greater than 2 inches in diameter. This shall be done within 24 hours of the roots being cut or severed. Roots shall be kept wet until backfill is replaced.
- The number of trees cut shall not exceed the minimum number necessary to carry out the permitted action determined by a certified arborist.
- No construction equipment, vehicles, or materials shall be stored, parked, or left standing within any tree dripline.
- The project applicant shall replant 64 of the trees around the perimeter of the station. The project applicant shall also provide in lieu payment to the Our City Forest program for the replacement of 146 trees as the remaining compensation for the loss of ordinance-sized trees on-site.

E. CULTURAL/TRIBAL RESOURCES – The project will not have a significant impact on cultural or tribal resources, therefore no mitigation is required.

F. GEOLOGY AND SOILS – The project will not have a significant impact on geology and soils, therefore no mitigation is required.

G. HAZARDS AND HAZARDOUS MATERIALS.

Impact HAZ-1: The proposed project could result in the release of potentially contaminated soil, materials or groundwater during ground-disturbing activities.

Mitigation Measure HAZ-1: *Materials Sampling and Disposal and Removal Action Work Plan*

The project applicant shall hire a certified professional to collect samples of contaminated materials on the project site for testing. The sample results shall be compared to the hazardous waste threshold criteria to determine the appropriate management and offsite disposal, in accordance with Santa Clara County Department of Environmental Health (SCCDEH) or the California Department of Toxic Substances Control (DTSC) requirements. The project applicant shall submit documentation verifying the results of the samples tested for contaminants to the City's Environmental Supervising Planner and Environmental Services Department Compliance Officer, prior to issuance of any grading or building permits.

With the results of the materials sampling, the project applicant shall prepare a Removal Action Work Plan detailing all proposed remedial activities for the proposed project. This plan shall include items such as excavation and removal procedures, confirmation sampling requirements, clean-up levels, and disposal options for removal materials, if required. The Removal Action Work Plan shall also include a discussion on transporting the contaminated materials to an approved disposal site and would identify haul routes that minimize transporting hazardous materials near schools. The project applicant shall submit the Removal Action Work Plan to the City's Environmental Supervising Planner and Environmental Services Department Compliance Officer prior to issuance of any grading or building permits.

Impact HAZ-2: Construction of the proposed project could expose workers to potentially contaminated soil, materials or groundwater during ground-disturbing activities.

Mitigation Measure HAZ-2: *Protection from worker exposure to potentially contaminated soil, materials or groundwater during ground-disturbing activities.*

The project applicant shall ensure that a comprehensive Site Safety and Health Plan (SSHP) is prepared to keep occupational exposure to hazardous materials within prescribed limits and to prevent the migration of contaminants beyond the site boundaries (i.e., the public). The SSHP shall be prepared by a consultant specializing in the handling of hazardous materials in accordance with regulatory requirements and the Occupational Safety and Health Guidance Manual for Hazardous Waste Site Activities, and shall identify potential hazards, material handling procedures, dust suppression measures, necessary personal protective clothing and devices, and appropriate equipment.

In addition to measures that protect on-site workers, the SSHP shall include measures to minimize public exposure to contaminated soil or groundwater, in accordance with SCCDEH or DTSC requirements. The SSHP shall be implemented through the direction of a Site Safety Officer or another qualified individual. The project applicant shall submit the SSHP to the City's Environmental Supervising Planner and Environmental Services Department Compliance Officer prior to issuance of any grading or building permits.

- H. HYDROLOGY AND WATER QUALITY** – The project will not have a significant impact on hydrology and water quality, therefore no mitigation is required.
- I. LAND USE AND PLANNING** – The project will not have a significant impact or change in land use, therefore no mitigation is required.
- J. MINERAL RESOURCES** – The project will not have a significant impact on mineral resource, therefore no mitigation is required.
- K. NOISE.**

Impact NOISE-1: Construction of the project could result in temporary elevated noise levels experienced by properties adjacent to the project area.

Mitigation Measure NOISE-1: *Construction Noise*

The project applicant shall adhere to the following restrictions during all construction activities. All the following measures shall be printed on all construction documents and project plans.

- Trucks or other equipment used during construction activities shall not use audible back-up warning devices but shall instead employ an outside observer to guide backing maneuvers of such trucks and equipment.
- High noise-generating activities including saw cutting, jack hammering, and trench excavation shall not be conducted simultaneously within 200 feet of each other.
- Jack-hammering (if required) shall be limited to no more than 10 minutes of any hour, at each specific location, and shall not be conducted within 200 feet of another jackhammering location.
- Temporary noise barriers with a sound transmission class (STC) rating of at least 30 shall be erected and maintained between project activities and adjacent residences located within 50 feet of the project area.

- L. **POPULATION AND HOUSING** – The project will not have a significant impact on population and/or housing, therefore no mitigation is required.
- M. **PUBLIC SERVICES** – The project will not have a significant impact on public services, therefore no mitigation is required.
- N. **RECREATION** – The project will not have a significant impact on recreational facilities, therefore no mitigation is required.
- O. **TRANSPORTATION / TRAFFIC** – The project will not have a significant impact on transportation/traffic resources, therefore no mitigation is required.
- P. **UTILITIES AND SERVICE SYSTEMS** – The project will not have a significant impact on utilities and service systems, therefore no mitigation is required.
- Q. **MANDATORY FINDINGS OF SIGNIFICANCE** – Implementation of Mitigation Measures BIO-1.1, BIO-1.2, BIO-1.3, BIO-2, HAZ-1, HAZ-2, and NOISE-1, would minimize project impacts to a less than significant level. As such, the project would not degraded the quality of the environment, result in significant impacts to fish or wildlife species, result in impacts considered cumulatively considerable, or result in a substantial adverse effect on human beings.

PUBLIC REVIEW PERIOD

Before 5:00 p.m. on **April 6, 2018** any person may:

1. Review the Draft Mitigated Negative Declaration (MND) as an informational document only; or
2. Submit written comments regarding the information, analysis in the Draft MND. Before the MND is adopted, Planning staff will prepare written responses to any comments and revise the Draft MND, if necessary, to reflect any concerns raised during the public review period. All written comments will be included as part of the Final MND.

Rosalynn Hughey, Acting Director
Planning, Building and Code Enforcement

3/5/18
Date


Deputy

Circulation period: March 7, 2018 to April 6, 2018